

b.) Remarks

Claim 1 has been amended in order to recite the present invention with the specificity required by statute. Additionally, claims 15 and 16 are amended for better clarity and new claim 17 is presented in order to more specifically recite a preferred embodiment of the present invention. No new matter has been added.

Claims 1-3 and 15-16 are rejected under 35 U.S.C. §112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. While, as to the objection of q and p, Applicants respectfully submit the Examiner's objection is without basis, the claims have nonetheless been amended to address the Examiner's concerns. As to the inquiry regarding 12 aminododecanoic acid, the claims now clarify such is introduced between R¹ and X^p nearest to the N-terminus, or between R² and X^q nearest to the C-terminus. As to the objection to the cyclization language, such has also been overcome utilizing language to address the Examiner's concerns.

Claims 1-3 and 15-16 remain rejected under 35 U.S.C. §102(b) as being anticipated by Halzonetis as set forth at pages 3 and 4 of the Office Action. This rejection is respectfully traversed insofar as it is applied to the subject matter of the amended claims. That is, Halazonetis describes that cyclic peptides have no free N- or C-termini (see page 10, line 23). In contrast, amended Claim 1 explicitly excludes peptides which have no free

N- or C-termini.^{1/}

The final remaining issue, therefore, is the rejection of claims 1-3 under 35 U.S.C. §102(b) as anticipated by Hardy, et al. However, compounds according to Hardy (which comprises a stretch of five consecutive glycine residues) are no longer encompassed by any of the pending claims.

In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.


Claims 1-17 remain presented for continued prosecution.

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New claim 17 recites cyclic peptides which have no free N- or C- termini, but excluding peptides formed by cyclizing Halazonetis' SEQ ID NOS: 4-12. No new matter is added; if alternative embodiments are positively recited in the specification, they may be explicitly excluded in the claims (In re Johnson, 194 USPQ 187 (CCPA 1977)). MPEP §2173.05(i).

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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